

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

Claims 1 and 2 (Cancelled)

3. (Original) A method of treating or preventing a bacterial infection by maxillary sinus pathogenic bacteria comprising the step of administering an antibacterially effective amount of a composition comprising a gemifloxacin compound to a mammal suspected of having or being at risk of having an infection with maxillary sinus pathogenic bacteria.

Claims 4 – 7 (Cancelled)

8. The method of claim 3 wherein said mammal is a human.

Claims 9 – 11 (Cancelled)

12. (New) The method of claim 3 wherein said maxillary sinus pathogenic bacteria is selected from the group consisting of: a bacterial strain isolated from acute or chronic maxillary sinusitis; and a maxillary sinus isolate of *S. aureus*, *M. catarrhalis*, an anaerobic strain, a non-fermentative Gram negative bacilli, *Neisseria meningitidis*, *Enterobacteriaceae*, *Streptococcus pyogenes*, *Haemophilus influenzae*, or *Peptostreptococcus*.

13. (New) The method of claim 3 wherein said maxillary sinus pathogenic bacteria is selected from the group consisting of: *Bacteroides* spp., *Bacteroides urealyticus*, *Chlamydia* spp., *Haemophilus parainfluenzae*, *Haemophilus* spp., *Legionella pneumophila*, *Mycoplasma* spp., and a methicillin-resistant *Staphylococcus* spp.

14. (New) The method of claim 3 wherein said maxillary sinus pathogenic bacteria is selected from the group consisting of: *Bacteroides urealyticus*, *Chlamydia* spp., *Haemophilus parainfluenzae*, *Legionella pneumophila*, and *Mycoplasma* spp.

15. (New) The method of claim 3 wherein said maxillary sinus pathogenic bacteria is selected from the group consisting of: *Streptococcus pneumoniae* and β -haemolytic *Streptococcus*.

16. (New) The method of claim 3 wherein said maxillary sinus pathogenic bacteria is a bacterial strain isolated from acute or chronic maxillary sinusitis.

17. (New) The method according to claim 3 wherein the gemifloxacin compound is gemifloxacin or a pharmaceutically acceptable salt thereof.

18. (New) The method according to claim 3 wherein the gemifloxacin compound is gemifloxacin mesylate or a hydrate thereof.

19. (New) The method according to claim 3 wherein the gemifloxacin compound is gemifloxacin mesylate sesquihydrate.

20. (New) The method according to claim 12 wherein the gemifloxacin compound is gemifloxacin or a pharmaceutically acceptable salt thereof.

21. (New) The method according to claim 12 wherein the gemifloxacin compound is gemifloxacin mesylate or a hydrate thereof.

22. (New) The method according to claim 12 wherein the gemifloxacin compound is gemifloxacin mesylate sesquihydrate.

23. (New) The method according to claim 13 wherein the gemifloxacin compound is gemifloxacin or a pharmaceutically acceptable salt thereof.

24. (New) The method according to claim 13 wherein the gemifloxacin compound is gemifloxacin mesylate or a hydrate thereof.

25. (New) The method according to claim 13 wherein the gemifloxacin compound is gemifloxacin mesylate sesquihydrate.

26. (New) The method according to claim 14 wherein the gemifloxacin compound is gemifloxacin or a pharmaceutically acceptable salt thereof.

27. (New) The method according to claim 14 wherein the gemifloxacin compound is gemifloxacin mesylate or a hydrate thereof.

28. (New) The method according to claim 14 wherein the gemifloxacin compound is gemifloxacin mesylate sesquihydrate.

29. (New) The method according to claim 15 wherein the gemifloxacin compound is gemifloxacin or a pharmaceutically acceptable salt thereof.

30. (New) The method according to claim 15 wherein the gemifloxacin compound is gemifloxacin mesylate or a hydrate thereof.

31. (New) The method according to claim 15 wherein the gemifloxacin compound is gemifloxacin mesylate sesquihydrate.

32. (New) The method according to claim 16 wherein the gemifloxacin compound is gemifloxacin or a pharmaceutically acceptable salt thereof.

33. (New) The method according to claim 16 wherein the gemifloxacin compound is gemifloxacin mesylate or a hydrate thereof.

34. (New) The method according to claim 16 wherein the gemifloxacin compound is gemifloxacin mesylate sesquihydrate.

35. (New) The method of claim 3 wherein said bacteria is *Bacteroides urealyticus*.

36. (New) The method according to claim 35 wherein the gemifloxacin compound is gemifloxacin or a pharmaceutically acceptable salt thereof.

37. (New) The method according to claim 36 wherein the gemifloxacin compound is gemifloxacin mesylate or a hydrate thereof.

38. (New) The method according to claim 37 wherein the gemifloxacin compound is gemifloxacin mesylate sesquihydrate.